

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:17cr20

DR. ROLAND F. CHALIFOUX, JR.

Defendant.

AGREEMENT FOR PRETRIAL DIVERSION

In consideration of resolving the allegations contained in the indictment in case number 5:17-cr-0020 Roland F. Chalifoux Jr. hereby enters into a pretrial diversion agreement with the United States of America as follows. By the parties signatures on this Agreement, it appearing, after an investigation of the offense, and your background, that the interest of the United States, the interest of Dr. Roland Chalifoux and the interest of justice will be served by the following procedure; therefore,

On the authority of the Attorney General of the United States, by William J. Powell, United States Attorney for the Northern District of West Virginia, the Indictment pending in case number 5:17-cr-0020 in the Northern District of West Virginia will be dismissed without prejudice subject to refiling, and any further prosecution in this District for this offense shall be deferred for the period of twelve (12) months from the date that this agreement is fully executed, provided you abide by the following conditions and the requirements of this Agreement set out below.

Should you violate the conditions of this Agreement, the United States Attorney may revoke or modify any conditions of this Pretrial Diversion Program. The United States Attorney's Office may release you from supervision at any time. The United States Attorney's Office may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this Agreement. In this case, you will be furnished with information specifying the conditions of the Agreement which you have violated.

After the Agreement is fully executed, the United States will move to dismiss the pending indictment without prejudice. After successfully completing your Pretrial Diversion Program and fulfilling all the terms and conditions of the Agreement, no prosecution for the above referenced offense will be re-instituted in this District.

Neither this Agreement nor any other document filed with the United States Attorney's Office as a result of your participation in the Pretrial Diversion Program will be used against you, except for impeachment purposes, in connection with any prosecution for the above-described offense.

General Conditions of Pretrial Diversion

- (1) You shall not violate any law (federal, state and local). You shall immediately contact your Pretrial diversion supervisor if arrested and/or questioned by any law enforcement officer.
- (2) You shall notify the Pretrial Diversion Supervisor in writing ten (10) days prior to any change in residence.
- (3) You shall report to your Pretrial Diversion Supervisor as directed and keep him/her informed of your whereabouts.
- (4) You shall follow the program and such special conditions as may be described below.
- (5) You shall submit to your Pretrial Diversion Supervisor a truthful and complete written report once a quarter. Furthermore, you should truthfully answer inquiries and follow instructions from your officer.

Special Conditions

Description of Special Programs:

- (1) You shall make restitution in the amount of \$28,606.75 during the course of your participation in the Pretrial Diversion Program until the full amount of restitution has been paid. Payments are to be by certified check or money order (i.e., not by personal check) and made payable to the "U.S. District Clerk" and forwarded to the following:

United States District Clerk's Office
The Jennings Randolph Federal Center
PO Box 1518
300 Third Street
Elkins, WV 26241

The U.S. District Clerk will make distributions to Medicare, West Virginia Medicaid, the Health Plan and Highmark in the following amounts:

<u>VICTIM NAME & ADDRESS</u>	<u>AMOUNT</u>
Centers for Medicare & Medicaid Services (CMS) Division of Accounting Operations P.O. Box 7520 Baltimore, MD 21207-0520	\$2,320.62
WV Medicaid Fraud Control Unit 408 Leon Sullivan Way	\$9,860.95

Charleston, WV 25301	
The Health Plan of the Upper Ohio Valley 1110 Main Street Wheeling, WV 26003 ATTN: MICHELLE DURDINES, SIU UNIT	\$11,339.71
Blue Cross Blue Shield Earl Bock, B.S., AHFI, CIFI, HCAFA Senior Fraud Consultant, MRC Secretary Highmark Special Investigations Financial Investigations & Provider Review 1800 Center Street, 1A-L3 Camp Hill, PA 17011	\$5,085.47

- (2) Any other special conditions that may be required by the Pretrial Diversion Supervisor.

Statement Regarding Speedy Trial
And Statute of Limitations

I assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I am also aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the grand jury, filing an information, or in bringing a defendant to trial. I hereby request the United States Attorney's Office for the Northern District of West Virginia to defer such prosecution. I agree and consent that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request, and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period of this agreement.

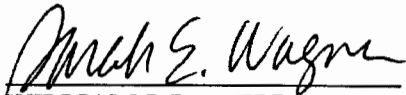
I hereby state that the above has been read and explained to me. I understand the conditions of my Pretrial Diversion Program and agree that I will comply with them.


Dr. Roland F. Chalifoux, Jr., Defendant


Elgine McArdle, Counsel for Defendant

10/29/18
Date

10/29/18
Date



WILLIAM J. POWELL

United States Attorney

by Sarah E. Wagner

Assistant United States Attorney



Pretrial Diversion Supervisor

10/30/18

Date

10/30/18

Date